

**CX – 02**

### DECLARATION OF CLINTON HUGHES

I, Clinton Hughes, hereby declare as follows:

1. I have thirteen years of experience with minerals and geology, working at both the United States Forest Service ("Forest Service") and the Bureau of Land Management ("BLM").

For the past 6.75 years, I have worked for the Forest Service as a Geologist and Certified Mineral Examiner (CME). As part of my responsibilities, I conduct inspections of mining operations on Forest Service lands to determine compliance with Plans of Operations. I have conducted approximately 400 inspections during my time with the Forest Service and BLM.

2. The Forest Service reviews, processes and if acceptable, approves Plans of Operations for miners or suction dredgers to conduct mining operations in Forest Service lands. The Plan of Operations is only issued after a careful evaluation of the proposal (e.g., proper stage of the mining operation) and consideration of the potential environmental consequences. The 1987 Nez Perce National Forest Management Plan states in Amendment 20 that a Plan of Operations and bond is required in order to suction dredge in the South Fork of the Clearwater River. As of July 2015, the United States Forest Service had not approved any Plans of Operations for this waterbody.

3. On July 21, 2015, I was informed by a law enforcement officer that he witnessed eleven suction dredges in the South Fork of the Clearwater River.

4. On July 22, 2015, from approximately 10:00 a.m. until 2:30 p.m., I inspected ten locations along the South Fork of the Clearwater River to document any active mining or suction dredging and to document any dredges in the water.

5. At approximately 11:00 a.m., I arrived at Site #2, located at or near Mile 38 at T29N, R7E, Section 28 in the Nez Perce-Clearwater National Forest, along the South Fork of the

Clearwater (see Attachment 1, page 4). I noticed there were a couple large vehicles parked along the side of the road. I parked my vehicle, got out, and took photographs of the vehicles and their associated license plates for documentation (see Photos 1-11). Among the vehicles were: a Prowler RV (license plate: (b) (6)), a Fleetwood camping trailer (license plate: (b) (6)), a Ford F-150 truck (license plate: (b) (6)), and a boat trailer (license plate: (b) (6)) carrying a jon boat ((b) (6)). I then walked down the path to the water's edge and saw two men in wetsuits each working the suction dredge nozzle of their respective dredge in the South Fork of the Clearwater River (see Photos 14-16). The upstream suction dredge was green and the downstream suction dredge was blue. I estimate that the dredges were approximately 50 feet apart. I could tell each suction dredge was sucking sediment up through the nozzle and onto the dredge: the motors of both suction dredges were running, water and gravel was traveling over the sluice boxes on each dredge, and tailings were deposited just past the sluice box while the plumes of finer sediment were extending from the dredges downstream as they were suspended in the water (see Photos 20-21). The plume from the upstream green suction dredge was going past the blue dredge and merging with the downstream dredge's plume. I walked downstream to see the combined plume and observed that it was traveling downstream and around the bend of the river, past my field of vision. Based on my observations, I estimate that the plume extended beyond the blue dredge approximately 220 feet before it went beyond my field of vision.

6. After a few minutes, the operator of the upstream green dredge noticed me, got the attention of the other, and they both got out of the water. I asked them for their names and the man that was operating the downstream blue suction dredge identified himself as Dave Erlanson Sr. I explained that they were in noncompliance with the Forest Service mining regulations and handed them each a Notice of Noncompliance letter. At my request, Mr. Erlanson filled out his

name and address at the top of the Notice of Noncompliance letter, which I documented with a photograph (see Photo 22). The other gentleman held onto his letter and gave it to me toward the end of the overall visit, which was after he had discussed the situation with Shannon Poe from American Mining Rights Association (AMRA). His name was R. J. Rice, which I documented with a photograph (see Photo 23).

7. After finishing my inspections along the South Fork of the Clearwater River, I returned to the office and over the next few days, I completed the Mineral Inspection Form ("Inspection Report") (see Attachment 1). On July 31, 2015, I sent my completed Inspection Report electronically for management review and then forwarded the report and other relevant materials to various public agencies, including the EPA.

8. On August 24, 2015, I received an email from Marc Callaghan from the EPA confirming that Mr. Dave Erlanson, Sr. was the registered owner of the Ford F-150 truck (license plate: (b) (6)) and the boat trailer (license plate: (b) (6)), two of the vehicles that had been documented at the inspection site.

I, Clinton Hughes, declare under penalty of perjury that the foregoing is true and correct.

  
CLINTON HUGHES

9/20/2016  
DATE

